

The Massachusetts Court System

Fiscal Year 2008



SUPREME JUDICIAL COURT
BOSTON, MASSACHUSETTS 02108

MARGARET H. MARSHALL
CHIEF JUSTICE

February 2, 2009

His Excellency Deval Patrick
Governor of the Commonwealth

Honorable Therese Murray
President of the Massachusetts Senate

Honorable Robert A. DeLeo
Speaker of the House of Representatives

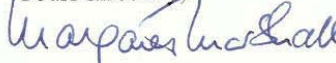
Dear Governor Patrick, President Murray, Speaker DeLeo:

Under the provisions of G.L. c.211B, § 9, I am pleased to submit the Annual Report of the Massachusetts Court System, Fiscal Year 2008. This report presents an overview of the activities, programs, and initiatives with which our hardworking judges and employees engaged over the last fiscal year. It also contains caseload statistics for the Trial Court and the Appellate Courts.

With the continued focus on accountability, timely and expeditious disposition of cases, access to justice, improvement of court facilities, technological advances, and educational outreach, the report demonstrates the progress the courts have made this past year in fulfilling its core mission. Last year also marked the fifth anniversary of the Report of the Visiting Committee on Management in the Courts (the Monan Report), which recommended a blueprint for change grounded in managerial best practices. In concert with the Court Management Advisory Board, the Judicial Branch held a symposium in March 2008 to recognize the courts' achievements in transforming operations over the past five years and to set new goals in the constant strive for managerial excellence and prudent allocation of resources.

This year the entire report will be available to the public on the court's website at <http://www.mass.gov/courts> in keeping with our standards of transparency and educational outreach. I hope that you will find the annual report informative and useful.

Yours sincerely,



Margaret H. Marshall
Chief Justice

The Massachusetts Court System Annual Report for Fiscal Year 2008

Supreme Judicial Court

Chief Justice Margaret H. Marshall

Associate Justices

John M. Greaney	Roderick L. Ireland
Francis X. Spina	Judith A. Cowin
Robert J. Cordy	Margot G. Botsford

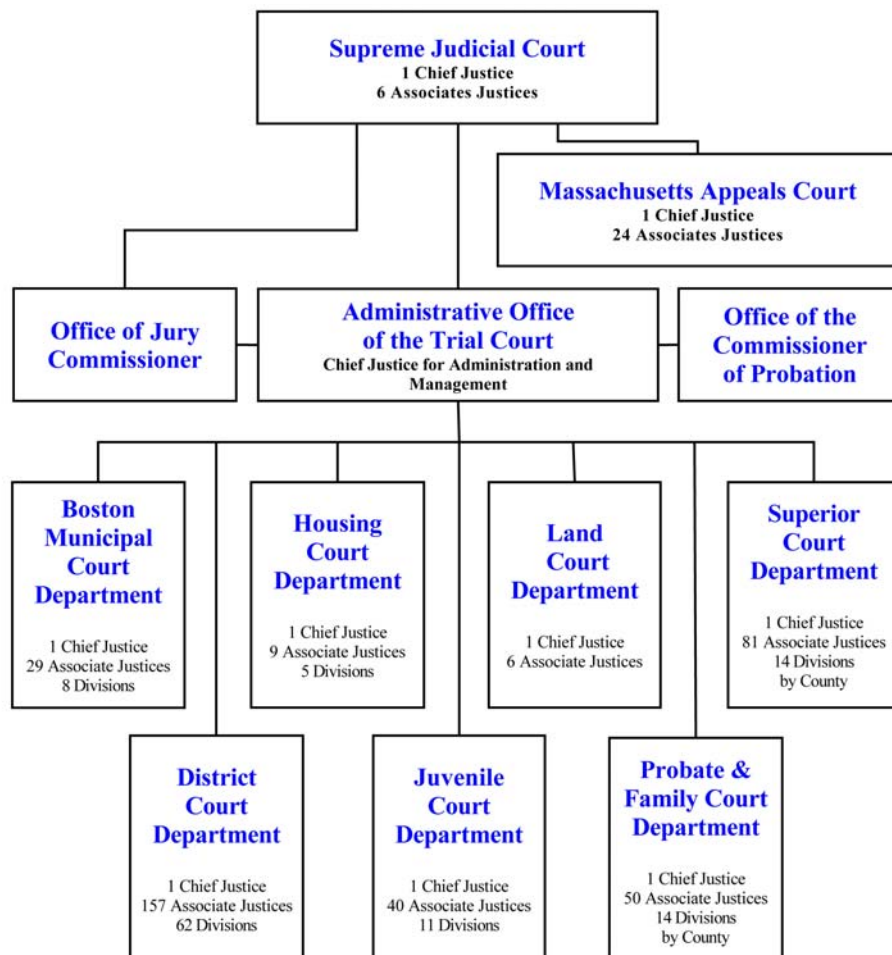
Appeals Court

Chief Justice Phillip Rapoza

Trial Court

Chief Justice for Administration & Management Robert A. Mulligan

Boston Municipal Court	Chief Justice Charles R. Johnson
District Court	Chief Justice Lynda M. Connolly
Housing Court	Chief Justice Steven D. Pierce
Juvenile Court	Chief Justice Martha P. Grace
Land	Chief Justice Karyn F. Scheier
Probate & Family Court	Chief Justice Paula M. Carey, appointed 10/1/07
	Chief Justice Sean M. Dunphy, retired 9/30/07
Superior Court	Chief Justice Barbara J. Rouse
Probation Commissioner	John J. O'Brien
Jury Commissioner	Pamela J. Wood, Esq.



The number of justices for all Courts is the maximum authorized by statute.

Supreme Judicial Court

The Supreme Judicial Court, originally called the Superior Court of Judicature, was established in 1692 and is the oldest appellate court in continuous existence in the Western Hemisphere. It serves as the leader of the Massachusetts court system, holding final appellate authority regarding the decisions of all lower courts and exercising general superintendence over the administration of the lower courts.

The full Court hears appeals on a broad range of criminal and civil cases from September through May. Single justice sessions are held each week throughout the year for certain motions, bail reviews, bar discipline proceedings, petitions for admission to the bar, and a variety of other statutory proceedings.

The Court also is responsible for general superintendence of the Judiciary and the bar, makes or approves rules for the operations of all courts, and has varying degrees of oversight responsibility for entities affiliated with the Judicial Branch, including the Board of Bar Overseers, Board of Bar Examiners, Clients' Security Board, and the Massachusetts Interest on Lawyers' Trust Accounts (IOLTA) Committee.

SUPREME JUDICIAL COURT STATISTICS

Caseload

	FY 2008	FY 2007
Direct Entries	108	120
Direct Appellate Review Applications Allowed/Considered	31/70	24/53
Further Appellate Review Applications Allowed/Considered	38/742	34/657
Transferred by SJC on its Motion from Review of Entire Appeals Court Caseload:	37	48
Gross Entries	214	226
Dismissals	20	26
Net Entries	194	200

Dispositions

	FY 2008	FY 2007
Full Opinions	160	145
Rescripts	61	55
Total Opinions	221	200
Total Appeals Decided ¹	222	208

¹Indicates the total number of appeals resolved by the Court's opinions.

Supreme Judicial Court for Suffolk County

The Supreme Judicial Court for Suffolk County is known as the single justice session of the Supreme Judicial Court. An associate justice essentially acts as a trial judge, as was the function of the first justices, or as an administrator of the court's supervisory power under G.L. c.211, sec.3. In addition to the single justice caseload, the justice sits on bar docket matters.

FY08 Statistics: *Single Justice cases filed: 584; Bar Docket cases filed: 138;
Bar Applications filed: 3,091*

Supreme Judicial Court Fiscal Year 2008 Highlights

- **Bench-Bar Meetings**

Recognizing that regular communication between court leadership, judges and the bar is critical to a well-functioning court system, the Supreme Judicial Court hosted two formal Bench Bar meetings. In October 2007, Chief Justice Margaret H. Marshall presented her Annual Address to the Legal Community to 150 judges and lawyers at the Massachusetts Bar Association Bench Bar Symposium held at the John Adams Courthouse. In May 2008, Justice Margot Botsford hosted a meeting of 25 appellate judges, lawyers, and court administrators to discuss issues of mutual concern in the appellate courts.

- **Court Management Advisory Board**

The Court Management Advisory Board sponsored *Striving for Excellence in Judicial Administration*, a symposium attended by more than 300 people to commemorate the five-year anniversary of the issuance of the Report of the Visiting Committee on Management in the Courts, known as the "Monan Report." The CMAB issued its Third Annual Report in June 2008 describing the progress of the court system in implementing the recommendations of the Monan Report.

- **Judicial Evaluation and Enhancement**

Three rounds of judicial evaluations were conducted. In round one, 34 judges from Norfolk County were evaluated, yielding 4,128 attorney evaluations (an average of 121 evaluations per judge), 680 employee evaluations (an average of 20 evaluations per judge) and 401 juror evaluations (an average of 33 evaluations per judge.) In round two, 53 judges from Berkshire, Hampden, Hampshire and Franklin Counties were evaluated, yielding 4,145 attorney evaluations (an average of 78 evaluations per judge), 1,685 employee evaluations (an average of 32 evaluations per judge) and 1,063 juror evaluations (an average of 37 evaluations per judge.) In round three, 87 judges from Bristol, Plymouth, Barnstable, Dukes and Nantucket Counties were evaluated, yielding 8,027 attorney evaluations (an average of 92 evaluations per judge), 2,008 employee evaluations (an average of 23 evaluations per judge) and 1,063 juror evaluations (an average of 28 evaluations per judge.)

- **Working Group on Professional Development**

The Working Group on Professional Development began meeting in spring 2008, under the leadership of Justice Margot Botsford, to initiate new and strengthen existing professional development opportunities for trial court judges. Comprised of departmental chief justices, trial court judges and staff, the Working Group formed subcommittees to research and issue recommendations on the following topics: courtroom videotaping; peer observation; judicial temperament and demeanor; mentoring and training the mentors; enhanced training of new judges; and the characteristics of a model judge. The Working Group will prepare and submit a report and proposed implementation plan to the Chief Justice of the Supreme Judicial Court and Chief Justice for Administration & Management in the first half of 2009.

Supreme Judicial Court / Fiscal Year 2008 Highlights

- **Self-Represented Litigants**

The Steering Committee on Self-Represented Litigants conducted a comprehensive evaluation of the Limited Assistance Representation (LAR) Pilot Project, which took place in the Hampden, Norfolk and Suffolk divisions of the Probate and Family Court. The Committee surveyed attorneys, judges, registers, and litigants to learn of their experiences with limited assistance representation. In an effort to expand access to the courts, the LAR program allows attorneys to assist self-represented litigants with legal issues on a limited basis. The Steering Committee also established a Working Group to develop guidelines for court personnel on civil matters concerning self-represented litigants.

- **Pro Bono Legal Services**

In recognition of outstanding commitment to providing volunteer legal services for the poor and disadvantaged, the Standing Committee on Pro Bono Legal Services presented the seventh annual Adams Pro Bono Publico Awards in June 2008 to five recipients:

- Attorney John G. Dugan, a principal in the law firm of Doherty, Ciechanowski, Dugan & Canon, P.C. in Franklin and Medfield, and Attorney Edward Notis-McConarty, a partner in the Boston law firm of Hemenway & Barnes LLP, for their work in the development and implementation of three Limited Assistance Representation pilot projects in the Probate and Family Court Department to expand access to justice.
- Attorney Francis J. (Jay) Lynch, managing partner in Lynch & Lynch Attorneys of Boston and South Easton, for his volunteer legal services at MainSpring House.
- Attorneys Christine J. Wichers and Lisa M. Gaulin, of Choate Hall & Stewart, LLP in Boston, for their tireless efforts on behalf of an abandoned Pakistani mother forcibly separated from her four children

The Standing Committee works to promote volunteer legal work to help people of limited means who are in need of legal representation, in accordance with SJC Rule 6.1, Voluntary Pro Bono Publico Service.

- **Massachusetts Evidence Law**

The Advisory Committee on Massachusetts Evidence Law, under the leadership of Appeals Court Justice R. Marc Kantrowitz, made tremendous progress on the Massachusetts Guide to Evidence (published in November 2008). Justice Marc Kantrowitz, who served as editor-in-chief, Superior Court Justices Peter Agnes and David Lowy, who served as editors, and Appeals Court Assistant Clerk Joseph Stanton led a team of editors who assembled existing Massachusetts evidence law into an easy-to-use document organized similarly to the Federal Rules of Evidence. The editors prepared extensive explanatory notes and citations to relevant authorities. Drafts of the Guide were published for public comment, and a copy of a completed draft was sent to every judge in the Commonwealth for review. The editors carefully reviewed each of the many comments received. By the end of FY08, the Advisory Committee had submitted the completed Guide to the Justices of the Supreme Judicial Court for their review.

Supreme Judicial Court / Fiscal Year 2008 Highlights

- **Court Improvement Project**

The Supreme Judicial Court received Court Improvement Program (CIP) grants from the federal government totaling \$650,000. These federal funds are directed to state court systems to improve court processes and functioning related to child welfare cases. CIP supported programs or initiatives include: a pager system for Boston Juvenile Court to alert parties, lawyers and translators when their cases have been called; recall judges for Juvenile Court; National Adoption Day celebrations in Massachusetts; training programs for lawyers who represent children or parents; a research project by the Probate and Family Court on guardianship of minors cases; and a formal assessment of process and procedures in cases involving the interstate placement of children.

- **Archives and Records Preservation**

To improve access for the scholarly community to valuable records stored in a remote location, the division of Archives and Records Preservation undertook a pilot project to digitally copy the Record Books of the Nantucket Supreme Judicial Court (1826 - 1877) and the Court of Common Pleas and Court of General Sessions (1721 - 1859).

Conservation has been completed on 1,040 of the 1,289 "Suffolk Files Volumes," a collection of "scrapbooks" that comprise the earliest records of the Supreme Judicial Court and its predecessor courts. The volumes, compiled in the 1890s from the court files left in the Old State House after the evacuation of the British, are being cleaned, repaired, and reinforced.

- **Community Outreach**

In keeping with John Adams's passion for justice, community, and learning, the John Adams Courthouse provides free educational opportunities for students, educators, and the public. Activities included public courthouse tours provided in partnership with Discovering Justice, a Boston-based, non-profit educational organization; student group visits to the courthouse to attend oral arguments, meet with a justice, or watch a dramatic performance of an historical event; teacher training programs with participation by a justice and an SJC attorney; and the Court's annual Student Government Day and Law Day programs. In Fiscal Year 2008, 213 events were held in the courthouse with more than 9,400 participants in attendance.

To promote broad public access of court proceedings, the Supreme Judicial Court provides live and archived webcasts of all of its oral arguments through a collaborative effort with Suffolk University Law School.

The Public Information Office conducted the 18th annual Judicial Youth Corps program, which offers court and legal education and summer internships to 40 Boston and Worcester public high school students. The 14-week educational program extends from May - August and is funded by foundations and grants.

- **New Website**

The Supreme Judicial Court redesigned and reorganized its website to make it more user-friendly and accessible for litigants, lawyers, educators, and the general public. New content continues to be added to the website to keep it current.

Massachusetts Appeals Court

Created in 1972, the Appeals Court is a court of general appellate jurisdiction. Most appeals from the several divisions of the Trial Court are entered initially in the Appeals Court. Some are then transferred to the Supreme Judicial Court, but a large majority will be decided by the Appeals Court. The Court usually sits in panels of three with the composition changing each month.

In addition to its panel jurisdiction, the Appeals Court also runs a continuous single justice session, with a separate docket. The single justice may review interlocutory orders and orders for injunctive relief issued by certain departments of the Trial Court, as well as requests for review of summary process appeal bonds, certain attorney's fee awards, motions for stay of civil proceedings or criminal sentences pending appeal, and motions to review impoundment orders.

The Appeals Court met the appellate court guideline for the scheduling of cases and by June 2008, all cases which had been briefed by February 1st had been argued or had been submitted to panels for decision without oral argument.

The Reporter of Decisions for the Supreme Judicial Court and the Appeals Court published 458 opinions of the Justices. During the fiscal year more than 500,000 requests for information were received and at year end more than 5,000 users received automatic email delivery of the appellate courts' opinions. Decisions are available at www.MassReports.com.

APPEALS COURT STATISTICS

Sources / Types of Appeals

	<u>Civil</u>	<u>Criminal</u>	<u>Total</u>
Superior Court	621	558	1,179
Probate & Family Court	124	0	124
BMC / District Court	46	467	513
Juvenile Court	83	26	109
Land Court	58	0	58
Housing Court	16	0	16
Appeals Court Single Justice	18	7	25
Appellate Tax Board	28	0	28
Industrial Accident Review Board	24	0	24
Labor Relations Commission	7	0	7
TOTAL	1,025	1,058	2,083
Fiscal Year 2008			
Fiscal Year 2007	1,106	878	1,984

Dispositions

Total Panel Entries:	2,083
Transferred to Supreme Judicial Court:	70
Dismissed/settled/withdrawn/consolidated:	498
Net Annual Entries:	1,515
Total Decisions (669 civil, 661 criminal):	1,330
Decision of lower court affirmed (528 civil, 543 criminal)	1,071
Decision of lower court reversed (83 civil, 88 criminal)	171
Other result reached (58 civil, 30 criminal)	88
Published opinions:	255
Summary dispositions:	1,075

Appeals Court Fiscal Year 2008 Highlights

- **Modification of Policy on Citation of Unpublished Decisions**

In Chace v. Curran, 71 Mass. App. Ct. 258 (2008), the Court announced that it would now permit parties to cite unpublished Appeals Court decisions in briefs and other documents filed in the Appeals Court. Citation to unpublished decisions had previously been prohibited, except in very limited circumstances. Lyons v. Labor Relations Commn., 19 Mass. App. Ct. 562, 566 n.7(1985). The Court noted in the Chace decision that, in the twenty-three years since the Lyons case, the Court's unpublished decisions had become far more widely available through electronic research databases. The change in policy was also consistent with the Federal courts' policy and with those of many other States. The new policy permits the citation of unpublished Appeals Court decisions issued after February 25, 2008 (the date of the Chace opinion). Those decisions may be found, free of charge, on the web site maintained by the Reporter of Decisions: www.MassReports.com.

- **Sessions in Other Locations**

The court conducted nine sessions at locations other than the John Adams Courthouse in Boston. Sittings were held at four of the Commonwealth's law schools -- Western New England (two sessions), Southern New England, Boston University, and New England -- enabling law students to observe appellate proceedings firsthand. After the sessions the justices met with the students, explaining the court's operating procedures and answering questions about the appellate process. In addition, three-judge panels sat at Trial Court facilities in Pittsfield, Worcester, Fitchburg and Lowell.

- **Case Management System**

Following up on an ambitious array of recommendations by the National Center for State Courts, the appellate courts decided to focus available resources on acquiring an updated case management system. The courts' current case management system, Forecourt, has been in use by the Supreme Judicial Court and Appeals Court since 1991 and 1998 respectively. The courts began the process by reviewing features of state-of-the-art case management systems and taking suggestions from users of the current system to determine needed improvements. A proposal was received from Relational Semantics, Inc., to develop a new version of Forecourt with those improvements. It became apparent that the most efficient and cost effective strategy would be to upgrade Forecourt. To that end, the company behind Forecourt, Relational Semantics, Inc., was retained to create a highly functional prototype of the new software, Forecourt Paragon, in the current fiscal year, with completion and implementation of a full system to follow as funding could be obtained.

Massachusetts Trial Court

Overview

In Fiscal Year 2008 the Massachusetts Trial Court continued to identify opportunities to improve access to justice as it focused on accountability, the timely and expeditious disposition of cases, and efficient and effective ways to deliver justice.

The Chief Justices and Court Administrators of the Boston Municipal, District, Housing, Juvenile, Land, Probate and Family and Superior Courts, the Probation Commissioner, the Jury Commissioner, and the Directors of the Administrative Office of the Trial Court (AOTC) implemented a range of internal and external efforts to enhance and improve the performance of their individual departments, as they provided guidance and direction for daily court operations statewide.

This summary provides a broad overview of Trial Court efforts in FY08 with highlights of departmental efforts identified in the detailed annual reports prepared by each department for the AOTC, which outline a wide array of accomplishments. Highlights of accomplishments are grouped into the following four areas: ***Access and Quality Justice; Effectiveness and Accountability; Functional Facilities and a Safe Environment; and Community Partnerships and Outreach.***

Trial Court Statistics as of June 30, 2008

- 7,565 employees
- 379 authorized judges
- \$583 million in operating expenditures
- 128 buildings - 63 owned, 65 leased

In March 2008, the Court Management Advisory Board in concert with the Trial Court marked the fifth anniversary of the Report of the Visiting Committee on Management in the Courts (the Monan Report) with a symposium on Striving for Excellence in Judicial Administration to recognize progress, as well as the need for further management improvement.

Throughout the fiscal year all Trial Court departments continued their use of goals and metrics established by the National Center for State Courts to assess timely case flow management. The use of metrics to enable evidence-based analysis and decision making has been extended to access and fairness, file integrity, fee collection and juror utilization.

Statewide efforts to seek feedback from court users included introduction of an Access and Fairness survey at all courthouses and a series of regional Open Dialogues with the Massachusetts Bar Association along with local bar associations.

New state-of-the-art courthouses, which consolidated five court departments into regional justice centers, opened in Plymouth and Worcester. Progress on major projects at various stages of completion continued in Fall River, Salem, Taunton and Lowell. These efforts represent a significant commitment by the Commonwealth to upgrade the functionality and operating environment of the state's courthouses. An interdepartmental Green Team was formed to focus on recycling and the reduction of energy resources. This effort is supported by the Massachusetts Division of Energy Resources and the Department of Capital Asset Management.

Progress in the rollout of MassCourts, the Trial Court's multi-department data and case management platform, received commendation from the State Auditor. By mid-2008, the Land and Housing Courts were using the system's full capability, the Boston Municipal and District Courts were using a 'lite' version for criminal cases, the Probate and Family Court launched its rollout, and further planning and implementation efforts continued.

Other technology improvements included the Office of Jury Commissioner's introduction of the Juror Service Website, which is the first in the country to allow online response to all aspects of a jury summons. The Office of the Commissioner of Probation upgraded and expanded GPS monitoring capability and introduced cutting-edge drug testing equipment with advanced technology features.

Access & Quality Justice

- ***Access and Fairness Survey***

Thousands of court users participated in the statewide Access and Fairness Survey initiative and the AOTC issued an interim report with survey results through June 30th. Attorneys, litigants, jurors, witnesses and probationers completed the survey developed by the National Center for State Courts and modified for the Massachusetts Trial Court. The Boston Municipal Court piloted and completed the survey initiative in all divisions in 2007 receiving 1,500 responses. All other departments launched the effort in 2008 and received more than 3,200 additional surveys by mid-year. By the end of 2008 the Trial Court had received over 9,000 surveys once the initiative was implemented at every courthouse. Users answered questions on courthouse accessibility, clarity of forms, attentiveness of staff and fairness of proceedings. The survey responses are compiled and provided to each courthouse shortly after they are completed. A full report with survey results will be issued and each court department will develop plans to utilize the data received to improve court operations.

- ***Operational Assessment***

The Boston Municipal Court established the Court Operations and Policy Implementation Committee as a standing departmental committee charged with the mandate to work with local courts to review and refine existing policies and, where appropriate, formulate new policies to improve operations. A comprehensive review of each division included meeting with court leaders and employees, observation of current practices, assessment of physical plant and security, and review of empirical data, including metrics, access and fairness surveys and jury utilization.

- ***Small Claims Improvements***

The Small Claims Working Group issued a report including 14 recommendations for improving the small claims process, while retaining its simple, expeditious character. Approval of the amendments to the Trial Court's Uniform Small Claims Rules and Small Claims Standards needed to implement the recommendations is underway. The District Court formed this Working Group in 2006 to include clerk magistrates and court staff from the Housing, Boston Municipal and District Court Departments, as well as attorneys, consumer representatives, collections attorneys, the Mass. Bar Association and the Legislature.

- ***Specialized Sessions for Drugs, Firearms Offenses, and Mental Health***

The Boston Municipal Court and 13 District Courts conduct drug court sessions which implement the goals of the Supreme Judicial Court's Standards on Substance Abuse issued in 1998. Key elements of these effective efforts include intensive probation supervision and therapeutic programming, frequent testing and careful monitoring by the supervising judge. Firearms sessions are conducted in the Central Division of the Boston Municipal Court and in the District Courts in Lynn and Fall River to adjudicate offenders on an expedited basis with all the protections of the law. These courts have established special timelines for the scheduling of pretrial hearings and disposition of these cases. Since June 2007, the Central Division of the Boston Municipal Court also has conducted a weekly session as part of its voluntary Mental Health Diversion Initiative, which served 50 cases during the fiscal year.

- ***Criminal Procedure***

The District Court Committee on Criminal Proceedings reviewed all District Court criminal model jury instructions for a new, internet-accessible edition to be issued in January 2009. The Committee also concluded its complete revision of the District Court's Standards of Judicial Practice, *The Complaint Procedure*, which were originally developed in 1975.

- ***Tenancy Preservation Program***

The Tenancy Preservation Program of the Housing Court now operates in all five divisions with guidance from a statewide Steering Committee. The program works to preserve the tenancies of those facing eviction due to disability-related lease violations by identifying service needs and arranging for the provision of appropriate services.

Access and Quality Justice

- ***Alternate Dispute Resolution***

The Housing Court achieved more than 80 percent settlement of the 19,381 cases referred for mediation and intervention to the Court's Housing Specialists. The Land Court also referred many cases for mediation during the court's mandatory early intervention event. The Boston Municipal Court Department partnered with the Administrative Office of the Trial Court to present a symposium for judges and court staff on mediation and its application to civil and criminal cases. Nearly 20 percent more civil cases were referred to mediation over the prior fiscal year and, for the first time, all of the department's divisions referred cases to mediation.

The Probate and Family Court continued to monitor the efforts of 25 programs approved to receive court referrals for dispute resolution services. That court also provides the services of Local Dispute Resolution Coordinators appointed in 12 divisions. On site ADR screening is conducted by volunteer ADR providers in Suffolk, Hampshire and Essex counties and Essex also provides services to self-represented litigants. Probate and Family Probation Departments conducted 35,592 dispute interventions, which resulted in 62 percent full or partial settlements.

The Juvenile and Probate and Family Courts continued collaboration to oversee an interdepartmental effort in Permanency Mediation with the Department of Children and Families, the Committee for Public Counsel Services, the Mass. Coalition for Permanency Mediation, and lead agency Mass. Families for Kids/Children's Services of Roxbury.

- ***Placement of Children***

In June 2008, the Juvenile Court completed the federally mandated assessment of the Interstate Compact on Placement of Children which requires a review of all practices and identification of areas for improvement. The assessment was conducted in concert with the Department of Children and Families and the private bar.

- ***National Adoption Day***

More than 250 adoptions were finalized in concert with the fifth National Adoption Day held in November 2007. The Juvenile Court and the Probate and Family Court planned celebrations held in eight locations with the George N. Covett Courthouse in Brockton serving as the lead site this year.

- ***Aging Out Project***

The Juvenile Court's Aging Out Project, originally piloted in Essex County, was expanded statewide in FY08 with the collaboration of the Department of Children and Families and the Committee for Public Counsel Services. Training includes judges, clerks, probation staff, DCF counsel and the private bar and will be completed by the end of 2008.

- ***Registered Land***

The Land Court continued a multi-year effort to update the Guidelines for Registered Land with the involvement of Registers of Deeds and the bar. Implementation is expected in early 2009.

- ***Child Support***

The Probate and Family Court continued to lead the Child Support Guidelines Task Force appointed by the Chief Justice for Administration & Management in a thorough review of the guidelines, underlying assumptions, and new state and federal requirements to determine needed changes. New Guidelines will be promulgated for effect January 1, 2009.

The Probate and Family Court also established a Working Group with the Department of Revenue's Child Support Enforcement Division to improve the operation of block time sessions where child support cases are heard. Case conferencing sessions were piloted successfully and expanded, which enhanced case processing and backlogs. The Working Group's charge was expanded to recommend further improvements to block time sessions.

Access and Quality Justice

- ***Guardianships***

The Probate and Family Court instituted major reforms in the Elder and incapacitated Guardianship area. The Court revised the required Medical Certificate and Petition for Guardianship to provide better due process protection for proposed wards and to provide judges with more detailed information for decision making. A pro bono panel of Guardians ad Litem (GALs) was developed to provide GALs in emergency temporary guardianships and a series of Standing Orders and a Uniform Practice were created to ensure due process protections. Significant reforms were put in place to ensure Client Trust Fund cases are monitored properly. Training sessions were held for GALs on the review of CTF cases. Also, a Standing Order in January introduced new GAL evaluator standards to provide greater guidance for GALs upon appointment by the Court to conduct a family evaluation.

- ***Pro Se Litigants***

The large number of self-represented litigants in the Probate and Family Court has resulted in a wide range of programs to ensure meaningful access to the court. Programs include the Family Law Self-Help Center, Family Law Facilitators, Limited Assistance Representation, pro bono counsel for children, domestic violence assistance, expanded collaboration with law libraries, and Lawyer for the Day programs in all counties. An Access and Visitation grant also allowed the Court to expand its Mandatory Parent Education program to include never-married parents in three counties.

The Housing Court also serves a significant number of pro se litigants. In all five of its divisions the court works with bar and local legal services organizations to offer the opportunity to consult with a volunteer Lawyer for the Day. Litigants also have access to the court's Housing Specialists.

- ***Privacy of Information***

The Probate and Family Court took steps to protect the privacy and personal identifying information of court users through a series of Standing Orders. GAL reports and Qualified Domestic Relations-type orders are now filed separately and unavailable to the public to protect the privacy of the parties and their children.

- ***Scheduling and Location of Sessions***

The judges and staff of the five divisions of the Housing Court travel to 20 locations each week to be physically accessible to all litigants who reside in the communities served. Each division meets regularly with users including property owner associations, tenant advocacy groups, code enforcement officials, fire and police departments and bar associations. The extensive information available on the court's website includes mediation information in English and Spanish.

- ***Community Corrections Centers***

The Office of Community Corrections opened two new adult centers bringing the number of centers to 25 locations statewide serving over 1,000 Level 3 and 4 offenders weekly. More than 200,000 hours of community service were programmed through these centers.

- ***Access to Justice Initiatives Overseen by AOTC***

Judicial Response System: This systematic response provides judicial intervention in emergency situations when the courts are closed. Judges participate through an on-call process that is coordinated in eight regions and shared with public safety officials. In FY08, judges handled 6,759 emergency evening or weekend calls through this system.

Interpreter Services: Interpretation services for Limited English Proficient litigants were used for 96,737 court events in 74 languages this fiscal year. Seventy-one percent of the events required Spanish interpretation. Eight new staff interpreters were hired in late 2007 to cut down rising per diem expenses. A judicial bench card was developed to facilitate the use of interpreters and informational signs were posted in all courthouses.

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Access and Quality Justice

Transcription Services: A Uniform Transcript Format was promulgated effective June 30, 2008, which established instructions for all transcripts in all courts. A new Approved Court Transcriber list became effective July 1, 2008, which used minimum qualifications and time standards to designate 56 approved transcribers. Use of digitally-recorded sessions was expanded to increase ability to generate transcripts in 30 days.

Law Libraries: More than 285,000 patrons used the 17 Law Libraries publicly available statewide and the Law Library website received 69.8 million visits. Law Libraries in Plymouth and Middlesex moved into new courthouse locations. On-line legal research training was conducted in partnership with the Mass. Bar Association.

Effectiveness & Accountability

Timeliness & Expedition

- ***Court Metrics***

Performance measurement continued to provide the foundation for court management reform efforts. Four metrics which monitor timely and expeditious case management are: clearance rate, disposition of cases within time standards, age of pending cases, and trial date certainty. The report on the outcomes for these measurements in Calendar Year 2007 is posted on the Trial Court website. The focus on cases beyond time standards resulted in a two-year reduction of more than 100,000 aged cases and in 2007, the percentage of cases disposed or resolved within time standards improved by 12 percentage points to 86 percent.

Amended Time Standards

The District Court and Boston Municipal Court reduced the time standard applied to civil cases from 24 to 18 months for cases filed after January 1, 2008. The departments recognized that most civil cases reached disposition before the 24-month standard and determined that an 18-month standard was a more appropriate and achievable goal.

Criminal Time Standards

Ongoing efforts by the Superior Court to implement criminal time standards have resulted in a drop in the number of criminal cases aged over one year from 62 percent of the caseload in 2004 to 28 percent of the caseload in 2008.

File Integrity and Reliability

The Boston Municipal Court developed a methodology and implemented a new metric on case file reliability and integrity, which assessed timeliness of retrieval, accuracy and reliability of file contents and completeness of file information. Sixteen hundred randomly selected case files across the department were reviewed.

- ***Continuous Improvement through Practice Changes***

Firm and Fair Trial Date: The Superior Court expanded the implementation of its Firm and Fair Trial Date Initiative and continued to increase the percentage of cases reached for trial on the date assigned. Through careful calendaring with trial counsel, scheduling fewer cases for trial and curtailing continuances, the court is resolving more cases by trial and settlement in a timelier manner.

Rules Changes: In other efforts to promote efficiency the Superior Court adopted and proposed changes to its Rules and Standing Orders regarding the settlement of discovery disputes, the consolidation of pending Superior Court cases, motions for summary judgment and written discovery.

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Effectiveness & Accountability: Timeliness & Expedition

The Superior Court Business Litigation Session also issued procedural orders on several issues to streamline filings. Dedication of a Superior Court session for cases on Sexually Dangerous Persons (SDP) also has improved case management with protocols, forms and scheduling policies developed in collaboration with the Department of Correction and the Committee for Public Counsel Services.

Caseflow Management: The District Court Committee on Caseflow Management issued a report with 57 specific “best practice” recommendations to simplify the movement of cases and eliminate chronic bottlenecks in criminal and civil cases. Divisions of the Boston Municipal Court have established timelines and procedures to more efficiently schedule hearings and utilize jurors. Several divisions also used court metrics reports to undertake a comprehensive review of pending caseloads and reordered the scheduling of sessions to strategically address backlogs. The Juvenile Court in Hampden County developed new scheduling methods to increase the number of cases resolved within time standards. In Worcester County the Juvenile Court centralized permanency hearings to achieve earlier judicial review of the Department of Children and Families goal.

The Western Housing Court introduced caseflow management initiatives that streamlined the adjudication of code enforcement cases, improved the process for seeking and obtaining restraining orders, and assisted litigants with completion of pretrial stipulation forms.

Document Production: The Land Court implemented an initiative within its Survey Division that resulted in a 139 percent increase in the production of plans, which has positively impacted the bar and the Registries of Deeds across Commonwealth.

Effectiveness & Accountability: Technology Enhancement

- ***MassCourts***

The multi-year introduction of MassCourts, the Trial Court’s comprehensive, web-based case management and docketing system, enables data collection and information sharing needed to track case progress and timeliness, and ultimately will replace 14 different systems with a uniform, integrated system. Successful implementation involves months of planning and training throughout each court department.

In FY08, the Housing Court was the first multi-location department to implement the full civil and criminal capabilities of MassCourts. The Probate and Family Court launched MassCourts in Plymouth County in June 2008 and scheduled conversions of the remaining divisions through March 2009. The Juvenile Court’s Forms Committee continued its efforts to develop uniform ways to conduct business in anticipation of the introduction of MassCourts. The Boston Municipal Court and the District Court continued to use a ‘lite’ version of MassCourts to manage criminal cases in 63 divisions and prepared to expand its application.

As of June 30, 2008, MassCourts contained data on 4.5 million cases and 3.4 million scanned documents for over 342,000 Probate and Family Court cases. Five court departments now utilize MassCourts and in July 2008, the State Auditor issued positive findings of its extensive audit of MassCourts and Trial Court Information Services (TCIS).

- ***Registry of Motor Vehicles Pilot***

Trial Court Information Services worked with the District Court and the Boston Municipal Court to pilot an interface to enable automated daily transmission of statutorily-required notices of judgment to the Registry of Motor Vehicles in a wide array of cases involving motor vehicles. Full electronic data transfer to the RMV and the Merit Rating Board is planned for early 2009.

Effectiveness & Accountability: Technology Enhancement

- ***Biometric Data***

TCIS improved the accuracy of its databases by adding biometric support to identity records when possible. An average of 3,700 new identities per month are supported with electronic biometric information obtained automatically from local and state police bringing the total to 87,500 cases in MassCourts as of June 30, 2008.

- ***Public Data Access Pilot***

TCIS worked with the Land Court to pilot new MassCourts public access software to be used to provide intranet and internet public access to data stored in the MassCourts database. The software is expected to be available for public use in early 2009.

- ***CPCS Interface***

TCIS worked with the Boston Municipal Court and the District Court to implement the electronic transfer of attorney assignment information to the Committee for Public Counsel Services (CPCS), which allows more timely assignment notification and payment of attorneys, helps CPCS manage resources and saves postage. As of the end of June 2008, the electronic interface sent a monthly average of 12,000 transactions to CPCS through MassCourts.

- ***Videoconferencing***

The Trial Court's Videoconferencing Program is coordinated through the AOTC Support Services department in partnership with the Department of Corrections and the Trial Court departments. In FY08 167 cases were heard utilizing this technology. The District Court has introduced a pilot videoconferencing initiative with the Lawrence District Court and the Essex County House of Correction. The Superior Court is working to expand the use of videoconferencing for medical malpractice tribunals and bail hearings.

- ***Juror Service Website***

The Office of Jury Commissioner launched the Juror Service Website, the first in the country to allow online response to all aspects of a jury summons. Close to 25 percent of those responding to summonses use the website to make their initial contact with the OJC. Jury pools also now use bar code scanners to reduce check-in times

- ***Probation: GPS Monitoring, Drug Testing, and Interstate Tracking***

The Office of the Commissioner of Probation has upgraded and expanded its GPS Monitoring Program to enhance tracking capability and has introduced use of a cutting-edge drug testing device. OCP also now uses the new, national Interstate Compact Offender Tracking System to streamline the process and employ strict timelines in completing transfers of probationers whose probation has been transferred to another state.

- ***Conversion of Forms***

TCIS continued work with Trial Court departments to convert forms to user-fillable, PDF forms that are posted on the Trial Court internet site. The automated, easy-to-use forms enhance judicial access for lawyers and citizens and provide more readable documents for the courts.

Effectiveness & Accountability: Resource Management

- ***Revenue Enhancement***

Sustained efforts to impose and collect applicable fines and fees enabled the Trial Court to retain the allowed maximum of \$40 million. In FY08, General Revenue collections totaled \$77.2 million, while Probation Supervision fees totaled \$22.7 million. These collections represent a General Revenue increase of 61.5 percent from FY03, while Probation Supervision fees increased 155 percent over the same timeframe.

- ***Staffing Model***

Human Resources coordinated with the Trial Court departments to update the Staffing Model through statistical review and validation. The Staffing Model Report in 2005 laid out quantitative and qualitative methods to provide a point of reference and standards comparing relative need for staff among courts and the model is reviewed and updated regularly.

- ***Collective Bargaining***

The Trial Court negotiated a three-year collective bargaining agreement with Local 6 of the O.P.E.I.U., which represents the court's clerical employees. The Trial Court remains in negotiations for a new agreement with NAGE/S.E.I.U., which represents court security personnel and probation officers.

- ***Performance Evaluation***

Human Resources instituted the Trial Court's Annual Performance Review for Management Employees within the Administrative Office of the Trial Court and in the administrative offices of all seven Trial Court departments. After management employees have been introduced to the review process, the initiative is expected to include all union employees.

- ***Sexual and Gender Harassment Policy***

The revitalized Gender Equality Advisory Board issued a revised policy to eliminate gender and sexual harassment in the courts. A comprehensive training and awareness effort was developed and launched in conjunction with the issuance of the policy. All managers will be trained by mid 2009.

- ***Professional Development***

All Trial Court departments conducted professional development events in FY08, such as educational conferences and regional meetings planned by department committees and the Judicial Institute. Judicial enhancement activities included peer observations, mentoring, videotaped self-observation, orientations and follow-up sessions for newly appointed judges.

The AOTC Judicial Institute presented or collaborated in the presentation of 65 educational programs to 2,400 employees in FY08. Programs ranged from half-day seminars to multi-day conferences and addressed training needs of employees at all levels in all departments. Multi-department training events addressed issues such as foreclosures, domestic violence, court management and leadership, and effective communications. Materials developed and issued by the Judicial Institute included the second edition of the *Handbook of Legal Terms for Judicial Branch Personnel* which is available on-line.

The Probation Service Training Academy offers more than 75 training workshops annually for Probation Officers and support staff. In addition, nearly 3,000 other state and federal employees from entities such as Community Corrections, the state Parole Board and the Department of Social Services enrolled in training programs.

Effectiveness & Accountability: Resource Management

- ***Green Team Formed***

The Trial Court formed an interdepartmental Energy Task Force, or “Green Team,” to identify priorities and develop strategies to expand conservation awareness, environmentally-sound practices, and energy cost containment measures. Trial Court staff were joined by representatives from the Division of Capital Asset Management and the Division of Energy Resources to implement this “green” initiative. Subcommittees were formed to focus on energy, recycling, and education. A statewide paper recycling effort was launched in September 2008 and planning is underway on a Demand Response Program to conserve energy by reducing demand for electricity at eight courthouses during periods of peak usage.

Functional Facilities and a Safe Environment

- ***Capital Projects: New and Improved Facilities***

In FY08 two new state-of-the-art courthouses opened in Plymouth and Worcester, serving as regional justice centers housing five court departments. These facilities represent a multi-year capital investment of \$250 million. New courthouses also opened in Woburn and Belchertown. The five-year capital spending investment plan issued by Governor Patrick in 2007 committed \$58.5 million for court projects for FY2008.

Construction began in Fall River on a new courthouse, which will near completion in FY09 and serve the Superior and District Courts, replacing two county-owned courthouses. Planning and design work is also underway for new courthouses in Salem, Taunton and Lowell, and for the relocation of the Cambridge District Court.

Building projects now in design have LEED certification as a goal. Leadership in Energy and Environmental Design (LEED) is the nationally accepted benchmark for the design, construction and operation of high performance green buildings.

In 2007, a consultant retained by the Division of Capital Asset Management conducted a capital repair needs assessment of state-owned courthouses which estimated the need for more than \$500 million to address the urgent deferred maintenance needs. Efforts now are underway to ensure compliance with the Americans with Disabilities Act, security and safety mandates and to plan better accommodation for the increasing number of pro se litigants.

In FY08 the Court Facilities Bureau of the Trial Court completed over \$1.8 million in 34 capital projects at 21 locations across the state. The CFB also provided ongoing maintenance of the 63 Trial Court buildings owned by the state.

- ***Security***

The Trial Court's Security Department has focused on improving the training and equipment provided to Court Officer staff. Court officers managed 188,000 custodies statewide and responded to a range of incidents including assaults, attempted suicides, medical emergencies and bomb threats. Enhanced screening equipment, video surveillance systems and emergency alarms have been deployed and physical tactics training provided to all officers. All officers also have been certified in CPR/AED and First Aid response.

- ***Continuity of Operations***

Efforts have progressed in the development of the Trial Court's Continuity of Operations Plan (COOP). Committees in each administrative office and court department worked on completion of the Mission Essential Functions Questionnaire. The next planning phase includes further coordination with Executive Branch agencies.

Community Partnerships and Outreach

- ***Striving for Excellence in Judicial Administration***

More than 300 people attended this symposium sponsored by the Court Management Advisory Board to mark the occasion of the five-year anniversary of the issuance of the Report of the Visiting Committee on Management in the Courts, generally known as the Monan Report. The Chief Justice of the California Supreme Court delivered the keynote address and local business leaders served with CMAB members on a panel focused on organizational transformation.

- ***Open Dialogues***

All Trial Court departments participated in a statewide initiative called *Open Dialogues on Case Management* sponsored in collaboration with the Court Management Advisory Board, the Mass. Bar Association and local bars. Two sessions were held in the Spring of 2008 and three more were scheduled for the Fall.

- ***Juvenile-Focused Initiatives***

The Juvenile Court, in collaboration with the Department of Mental Health, continued operation of a statewide system of Juvenile Court Clinics that have emerged as a national model for referrals and treatment, with more than 3,200 evaluations of children, youth, and parents this year.

In addition, all divisions of the Juvenile Court partner with local Probation and Office of Community Corrections staff, community leaders and non-profits in the planning and implementation of a wide variety of community-based programs, including Operation Night Light, Mothers Helping Mothers, Truancy Watch, Stop Watch, Trial Court Academy, the Teen Prostitution Project, Shakespeare in the Court, and the Juvenile Resource Center.

- ***Superior Court 150th Anniversary***

Enhanced public understanding of the work of the judiciary is the focus of a series of events being planned to mark the 150th anniversary of the Superior Court in 2009. Plans include educational outreach to adults and school children, articles for media distribution, and courthouse exhibits, as well as a symposium featuring US Supreme Court Justice Stephen Breyer.

- ***Partnerships with Schools, Non-Profits, Law Enforcement and Bar Associations***

Judges, Clerks, Probation staff and others in all Trial Court departments partner extensively with the leaders in their local communities. School-based efforts share information about the court's role in the community through opportunities such as mock trials and internships. Outreach also includes ongoing interaction with many focused advocacy and membership groups, which regularly interact with the courts.

Courts work closely with local law enforcement to provide guidance on a range of issues, including search and seizure law, new statutes and rules amendments, and addressing new police cadets on law enforcement matters. Probation staff works continually with local police, non-profits and other entities to design programs that combat violence and reduce crime.

Many judges serve on bar association committees and regularly address county and local bar associations to update attorneys on new developments, answer questions and discuss issues of concern. Judges also frequently serve as faculty members for continuing education opportunities for lawyers. Law Day programs across the state are developed in collaboration with local bar associations to engage student groups and the general public.

- ***Jury Outreach and Education***

The Office of Jury Commissioner conducted 164 public outreach presentations for more than 6,100 individuals at schools and community groups. The OJC also launched an outreach initiative focused on colleges and universities and was selected by the Annenberg Foundation to participate in a juror education pilot.

2008 Employee Excellence Award Winners

Employee of the Year

Robin Balicki	Eastern Hampshire District Court	Acting Office Manager
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Individual Excellence Awards

Boston Municipal Court Department

Cynthia Roberts	Dorchester Division	Case Coordinator
Maureen Towle	Central Division	Case Coordinator

District Court Department

Nicholas Giamogianis	Marlborough District Court	Head Administrative Assistant
Judith Viamari	Springfield District Court	Probation Operations Supervisor

Housing Court Department

Barbara Dinn	Southeast Division	Office Manager
Vincenzo LoBuono	Boston Division	Sessions Clerk

Juvenile Court Department

Kimberly Howe Lawrence	Essex County Division	Probation Officer
Lauren Monterio	Suffolk County Division	Operations Supervisor
Mary 'Geeda' Rodrigues	Barnstable County/ Town of Plymouth	Probation Officer

Office of the Commissioner of Probation

Kristina Gaudet	Boston	Data Entry Operator
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Probate & Family Court Department

Ann Marie Passanisi	Administrative Office	Operations Manager
Ethel 'Dee' Walkus	Barnstable County	Operations Supervisor
Karen Wehner	Barnstable County	Operations Supervisor

Superior Court Department

Paula Sordillo	Suffolk County - Criminal	Assistant Clerk Magistrate
Patricia Wadsworth	Berkshire County	Judicial Secretary

Administrative Office of the Trial Court

Court Interpreter Services

Ines Reynal	Chelsea District Court	Interpreter
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Security

Steve Mendonca	New Bedford District Court	Court Officer
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Court Facilities Bureau

Pasquale Niro	Milford District Court	Building Supervisor
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Summary of Massachusetts Trial Court Activity

	FY 2008	FY 2007
Boston Municipal Court		
Criminal	39,158	36,310
Civil	15,111	12,360
Specialized Civil	32,181	28,700
Clerk Hearings	64,644	51,982
District Court		
Criminal	233,224	233,013
Criminal Search Warrants	1,322	NA
Civil	79,333	69,000
Specialized Civil	206,703	180,748
Juvenile	199	219
Clerk Hearings	307,856	301,270
Housing Court		
Total Filings	46,246	44,077
Filings including ADR	65,627	62,715
Juvenile Court		
Delinquency	31,492	34,915
Youthful Offenders	439	386
CHINS Petitions	8,814	9,226
Care & Protection	3,521	3,011
Show Cause Hearing	14,808	15,813
Land Court		
Entries	33,217	27,898
Decree & Subdivision Plans	466	211
Probate and Family Court		
Probate, Equity, Name Change	54,788	55,547
Domestic Relations & Child Welfare	104,807	101,634
Superior Court		
Criminal Cases Disposed	5,798	5,783
Civil Cases Disposed	25,527	24,312
Appeals Closed	833	821
Probation		
Supervision	256,952	252,180
Surrenders	56,654	55,168
Community Corrections		
Referrals (Levels 2,3,4)	16,687	15,128
Community Service Hours	427,705	396,425
Jury Service		
Jurors Summoned	899,381	981,750
Jurors Scheduled	445,247	506,584
Jurors Served	321,324	284,352

1. More detailed statistical data on Trial Court Departments available at www.mass.gov/courts

Trial Court Fiscal Data FY2008

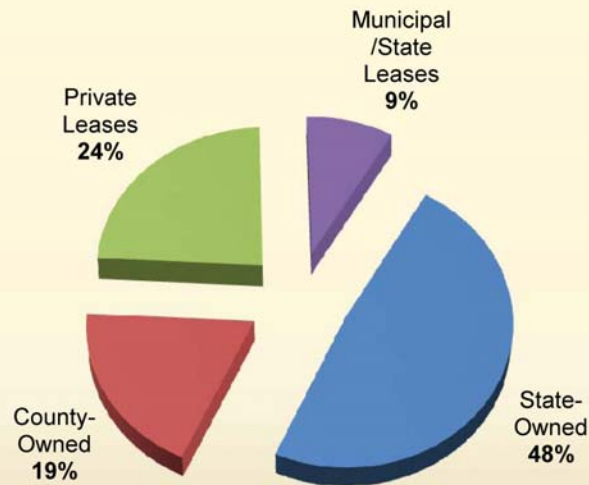
Breakdown of Trial Court Funding

	<i>Dollar Amount</i>	<i>Percent of Total</i>
Trial Court Operating Appropriations	\$552,081,284	89.4%
Retained Revenue	\$40,000,000	6.5%
Capital / Bond Funds	\$19,367,057	3.1%
Automation Bond Funds	\$2,366,225	0.4%
Grants, Trusts & Intergovernmental Funds	\$3,511,820	0.6%
TOTAL	\$617,326,386	100%

Trial Court Expenditures from Operating Accounts

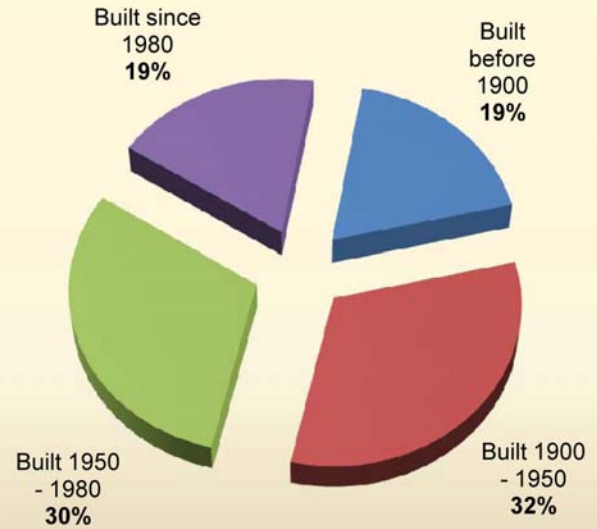
	<i>Dollar Amount</i>	<i>Percent of Total</i>
Judicial Salaries	\$48,039,326	8.2%
Court Employee Salaries	\$368,502,641	63.2%
Employee Related Expenses	\$16,833,076	2.9%
Case Driven Expenses	\$20,600,813	3.5%
Law Library Expenses	\$6,397,739	1.1%
Office and Court Operations	\$52,746,682	9.0%
Facility Rental, Maintenance and Operation	\$69,999,744	12.0%
TOTAL	\$583,120,021	100%

Court Facilities by Owner



State-Owned Facilities by Year Constructed

Average Age of State-Owned Facility: 65 Years
Average Age of County-Owned Facility: 95 Years



Facility Square Footage by County

